

Robert J. Feinstein (*Admitted pro hac vice*)
Shirley S. Cho (*Admitted pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067-4003
Telephone: 310/277-6910
Facsimile: 310/201-0760
Email: rfeinstein@pszjlaw.com
scho@pszjlaw.com

Lenard E. Schwartzer, Nevada Bar No. 0399
Jeanette E. McPherson, Nevada Bar No. 5423
SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Telephone: (702) 228-7590
Facsimile: (702) 892-0122
E-Mail: bkfilings@s-mlaw.com

Counsel for the Creditor Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

NEVADA CANCER INSTITUTE, a Nevada
Nonprofit corporation,

Debtor.

Case No.: BK-S-11-28676-MKN

Chapter 11

Hearing Date: September 25, 2012
Hearing Time: 2:00 p.m.
Estimated Time for Hearing: 10 minutes

**MOTION TO APPROVE STIPULATION EXTENDING TIME
TO OBJECT TO CLAIM OF DR. JOHN C. (JACK) RUCKDESCHEL**

The Creditor Trust of the above-captioned Debtor (“Trust”), hereby moves this court (the “Motion”)¹ for entry of an order approving the Stipulation attached hereto as Exhibit A between the Trust and Dr. John C. (Jack) Ruckdeschel (“Ruckdeschel”), extending the deadline by which the Trust must object to the proof of claim filed by Ruckdeschel, designated as claim number 135 (the “Ruckdeschel Claim”).

In support of the Motion, the Trust respectfully represents as follows:

I.

INTRODUCTION

The parties have been engaged in good faith settlement discussions including participating in two mediations to resolve the Ruckdeschel Claim. The parties are continuing to exchange information and engage in settlement dialogue. To permit these settlement discussions to continue without the Trust having to expend resources prematurely on a claim objection, the parties have

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to the m in the Stipulation.

1 agreed to extend the Claims Objection Deadline, which is currently November 11, 2012, to May 13,
2 2013.

3 II.

4 FACTUAL BACKGROUND

5 Nevada Cancer Institute (the “Debtor”) commenced its chapter 11 case on December 2, 2011
6 (the “Petition Date”).

7 On April 30, 2012, the Bankruptcy Court entered the Order Confirming Chapter 11 Plan of
8 Reorganization for Nevada Cancer institute (dated January 31, 2012) [Docket No. 548] (the
9 “Plan”).

10 On May 15, 2012, the Plan became effective and the Trust was formed. [Docket No. 586]
11 Sltn Trst LLC (dba Solution Trust LLC) is the Creditor Trustee. *See* Plan at Article IV.G.

12 Under the terms of Plan, the deadline to object to claims is 180 days after the Effective Date
13 (November 11, 2012) (the “Claims Objection Deadline”), which deadline may be extended by the
14 Court pursuant to Article VI.H of the Plan.

15 III.

16 JURISDICTION

17 This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
18 This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant
19 to 28 U.S.C. §§ 1408 and 1409.

20 IV.

21 RELIEF REQUESTED

22 The Trust seeks court approval of the Stipulation and the extension of time by which the
23 Trust must object to the Ruckdeschel Claim by an additional six (6) months after the Claims
24 Objection Deadline.

25 V.

26 NOTICE

27 Notice of this Motion has been given to: (i) the Office of the United States Trustee; (ii)
28 counsel to the Reorganized Debtor; (iii) counsel to Ruckdeschel; and (iv) other parties requesting in

1 interest requesting notice.

2 VI.

3 CONCLUSION

4 WHEREFORE, the Trust requests that the Court approve the Stipulation and extend the time
5 by which the Trust must object to the Ruckdeschel to May 13, 2013.

6
7 Dated: August 20, 2012

SCHWARTZER & MCPHERSON LAW FIRM

8 /s/ Jeanette E. McPherson

9 Jeanette E. McPherson, Esq.
2850 South Jones Boulevard, Suite 1
10 Las Vegas, NV 89146-5308

11 and

12 PACHULSKI STANG ZIEHL & JONES LLP
Robert J. Feinstein (*Admitted pro hac vice*)
13 Shirley S. Cho (*Admitted pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
14 Los Angeles, CA 90067-4003
Telephone: 310/277-6910
Facsimile: 310/201-0760
15 Email: rfeinstein@pszjlaw.com
scho@pszjlaw.com

16 Counsel to the Creditor Trust
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Exhibit A
Stipulation

PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

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Robert J. Feinstein (*Admitted pro hac vice*)
Shirley S. Cho (*Admitted pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067-4003
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Facsimile: 310/201-0760
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scho@pszjlaw.com

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Counsel for the Creditor Trust

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Case No.: BK-S-11-28676-MKN
Chapter 11

STIPULATION EXTENDING TIME TO OBJECT TO CLAIM OF
DR. JOHN C. (JACK) RUCKDESCHEL

This *Stipulation Extending Time to Object to Claim of Dr. John C. (Jack) Ruckdeschel* (the "Stipulation") is entered into by and between the PR Creditor Trust ("Trust"), on the one hand, and Dr. John C. (Jack) Ruckdeschel ("Ruckdeschel"), on the other hand. This Stipulation is made with reference to the following recitals:

RECITALS

- A. Nevada Cancer Institute (the "Debtor") commenced its chapter 11 case on December 2, 2011 (the "Petition Date").
- B. On January 27, 2012, Ruckdeschel filed a proof of claim asserting a general unsecured claim in the amount of \$14,741,158.07, designated as claim number 135 (the "Ruckdeschel Claim").
- C. On April 30, 2012, the Bankruptcy Court entered the Order Confirming Chapter 11 Plan of Reorganization for Nevada Cancer institute (dated January 31, 2012) [Docket No. 548] (the "Plan").

1 D. On May 15, 2012, the Plan became effective and the Trust was formed. [Docket No.
2 586] Sltn Trst LLC (dba Solution Trust LLC) is the Creditor Trustee. See Plan at Article IV.G.

3 E. Under the terms of Plan, the deadline to object to claims is 180 days after the
4 Effective Date (November 11, 2012) (the "Claims Objection Deadline"), which deadline may be
5 extended by the Court pursuant to Article IV.H of the Plan.

6 F. Settlement discussions to potentially resolve the Ruckdeschel Claim are ongoing. In
7 light of the pendency of these discussions, the parties have agreed to enter into the following
8 stipulation.

9 STIPULATION

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED UPON by the
11 undersigned parties, through their counsel and respective representatives that:

12 1. Ruckdeschel and the Trust agree to extend the Claims Objection Deadline by which
13 the Trust must object to the Ruckdeschel Claim by six (6) months to May 11, 2013, or as may be
14 otherwise ordered by the Court.

15 2. The persons executing this Stipulation represent and warrant that they have the
16 authority and capacity to act on behalf of the party for which each person is signing and to bind that
17 party to the terms of this Stipulation.

18 3. This Stipulation may be executed by counterpart originals, electronic copies or
19 facsimiles, and each such counterpart shall be deemed an original instrument, but all such
20 counterparts together shall constitute one agreement.

21 *[remainder of page intentionally left blank]*
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1 STIPULATED AND AGREED TO BY:

2 Dated: August 10, 2012

PR CREDITOR TRUST

3
4 By: 

Shirley S. Cho
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
scho@pszjlaw.com
(310) 277-6910

Counsel for Creditor Trust

5
6
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8
9
10 Dated: P. 20, 2012

DR. JOHN C. RUCKDESCHEL

11
12 By: 

Veronica M. Gray
NOSSAMAN LLP
18101 Von Karman Avenue, Suite 1800
Irvine, CA 92612
vgray@nossaman.com
(949) 833-7800

Counsel for Dr. Ruckdeschel

Robert J. Feinstein (*Admitted pro hac vice*)
Shirley S. Cho (*Admitted pro hac vice*)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067-4003
Telephone: 310/277-6910
Facsimile: 310/201-0760
Email: rfeinstein@pszjlaw.com
scho@pszjlaw.com

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Jeanette E. McPherson, Nevada Bar No. 5423
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Chapter 11

Hearing Date: September 25, 2012
Hearing Time: 2:00 p.m.
Estimated Time for Hearing: 10 minutes

Place: Courtroom 2
Foley Federal Building
300 Las Vegas Blvd. South
Las Vegas, NV 89101

**ORDER GRANTING MOTION AND APPROVING STIPULATION EXTENDING
TIME TO OBJECT TO CLAIM OF DR. JOHN C. (JACK) RUCKDESCHEL**

On September 25, 2012, the Court held a hearing on the *Motion to Approve Stipulation Extending Time to Object to Claim of Dr. John C. (Jack) Ruckdeschel* [Docket No. ____] (the “Motion”). Appearances were as noted on the record of the hearing. The Court has reviewed and considered the Motion, the notice of hearing thereon, the certificates of service with respect to the foregoing, and the record in this case. Based upon that review and consideration, the Court finds

1 that: (1) the Court has jurisdiction over the Motion, (2) no objection to the Motion was filed; (3) the
2 relief requested in the Motion is reasonable, appropriate and in the best interests of the Creditor
3 Trust and unsecured creditors; (4) notice of the Motion was adequate and appropriate under the
4 circumstances and no other notice need be given, and (5) other good and sufficient cause exists for
5 granting the relief requested by the Motion.

6 **THEREFORE, IT IS HEREBY ORDERED** that:

- 7 1. The Motion is GRANTED.
- 8 2. The Stipulation attached as Exhibit A to the Motion is APPROVED.

9 ###

CERTIFICATE OF SERVICE

On the 20th day of August 2012, I served the following document(s):

**MOTION TO APPROVE STIPULATION EXTENDING
TIME TO OBJECT TO CLAIM OF DR. JOHN C. (JACK) RUCKDESCHEL**

1. On **August 20, 2012** I served the above-named document(s) by the following means to the persons as listed below:
(check all that apply)

- a. **ECF System** *(You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*
- b. **United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

Veronica M. Gray

Attorney at Law

NOSSAMAN LLP

18101 Von Karman Avenue, Suite 1800

Irvine, CA 92612

vgray@nossaman.com

T 949.833.7800 F 949.833.7878

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): August 20, 2012

Sophia L. Lee
(Name of Declarant)

/s/Sophia L. Lee
(Signature of Declarant)

11-28676-mkn Notice will be electronically mailed to:

RYAN A. ANDERSEN on behalf of Creditor SIEMENS FINANCIAL SERVICES, INC.
RANDERSEN@LIONELSAWYER.COM,
bklsclv@lionelsawyer.com; kwallace@lionelsawyer.com

BRETT A. AXELROD on behalf of Creditor NCI ADMIN. BLDG., LLC
baxelrod@foxrothschild.com,
pklois@foxrothschild.com; rdittrich@foxrothschild.com; ldupree@foxrothschild.com

MARTIN R BARASH on behalf of Debtor NEVADA CANCER INSTITUTE, A NEVADA
NONPROFIT CORPORATION
mbarash@ktbslaw.com

SARAH V. CARRASCO on behalf of Creditor Oracle America, Inc.
sarah@sarahcarrascolaw.com

SHIRLEY S. CHO on behalf of Creditor Committee OFFICIAL COMMITTEE OF UNSECURED
CREDITORS
scho@pszjlaw.com

DAWN M. CICA on behalf of Debtor NEVADA CANCER INSTITUTE, A NEVADA
NONPROFIT CORPORATION
dcica@lrlaw.com,
jvienneau@lrlaw.com; cjordan@lrlaw.com; mschoeni@lrlaw.com; mburns@lrlaw.com; mbigas@lrlaw.com

TRACI LEE COTTON on behalf of Creditor UT System obo UT Southwestern Medical Center
tcotton@utsystem.edu

SCOTT D. FLEMING on behalf of Creditor BOARD OF REGENTS OF THE NEVADA SYSTEM
OF HIGHER EDUCATION
scott.fleming@unlv.edu,
jfinley@sheacarlyon.com; rsmith@sheacarlyon.com; nrodriguez@sheacarlyon.com

GERALD M GORDON on behalf of Creditor BANK OF NEVADA
bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com

RICHARD F. HOLLEY on behalf of Creditor BANK OF AMERICA, N.A.
rholley@nevadafirm.com,
vnelson@nevadafirm.com; bkecf@nevadafirm.com; sdwkhtecf@gmail.com; oswibies@nevadafirm.com; oatamoh@nevadafirm.com; apestonit@nevadafirm.com

KIRK D. HOMEYER on behalf of Creditor BANK OF NEVADA
BANKRUPTCYNOTICES@GORDONSILVER.COM, BKNOTICES@GORDONSILVER.COM

IRON MOUNTAIN INFORMATION MANAGEMENT, INC. (jc)
Bankruptcy2@ironmountain.com

RODNEY M. JEAN on behalf of Creditor SIEMENS FINANCIAL SERVICES, INC.
RJJEAN@LIONELSAWYER.COM, bklsclv@lionelsawyer.com; mstow@lionelsawyer.com

JAMES A KOHL on behalf of Creditor Key Equipment Finance, Inc.
jak@h2law.com, sgeorge@howardandhoward.com

KURTZMAN CARSON CONSULTANTS LLC
tvandell@kccllc.com

EDWARD M. MCDONALD on behalf of U.S. Trustee U.S. TRUSTEE - LV - 11
edward.m.mcdonald@usdoj.gov

1 JEANETTE E. MCPHERSON on behalf of Creditor Committee OFFICIAL COMMITTEE OF
2 UNSECURED CREDITORS
bkfilings@s-mlaw.com

3 AMANDA M. PERACH on behalf of Creditor John Ruckdeschel
4 aperach@mcdonaldcarano.com, ydekle@mcdonaldcarano.com

5 JUSTIN E. PINGEL on behalf of Other Prof. UNITED STATES OF AMERICA
justin.pingel@usdoj.gov,
6 sue.knight@usdoj.gov; doriayn.olivarra@usdoj.gov; eunice.jones@usdoj.gov

7 COURTNEY E. POZMANTIER on behalf of Attorney KLEE, TUCHIN, BOGDANOFF & STERN
8 LLP
cpozmantier@ktbslaw.com

9 RONALD H REYNOLDS on behalf of Creditor SOMERSET CAPITAL GROUP, LTD.
ron@reynoldslawyers.com, paula@reynoldslawyers.com

10 LAWRENCE J SEMENZA on behalf of Creditor RICHARD JACOBS, M.D.
ljs@semenzalawfirm.com

11 BRIAN D. SHAPIRO on behalf of Creditor CARDINAL HEALTH
bshapiro@brianshapirolaw.com,
12 ecf@brianshapirolaw.com; brianshapiroesq@yahoo.com; bshapiro@brianshapirolaw.com; candice@brianshapirolaw.com; jessie@brianshapirolaw.com

13 U.S. TRUSTEE - LV - 11
14 USTPRegion17.lv.ecf@usdoj.gov

15 RYAN J. WORKS on behalf of Creditor John Ruckdeschel
rworks@mcdonaldcarano.com, kbarrett@mcdonaldcarano.com, bgrubb@mcdonaldcarano.com